

FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ZEV AND LINDA WACHTEL, *et al.*,

Plaintiffs

V.

GUARDIAN LIFE INS. CO., *et al.*,

Defendants.

Civ. Docket No. 01-4183
Hon. Faith S. Hochberg, U.S.D.J.

RENEE MCCOY, individually and on behalf of all others similarly situated,

Plaintiffs

V.

HEALTH NET, INC., HEALTH NET
OF THE NORTHEAST, INC., and
HEALTH NET OF NEW JERSEY, INC.

Defendants.

Civ. Docket No. 03-1801
Hon. Faith S. Hochberg, U.S.D.J.

ORDER

Date: August 5th, 2004

HOCHBERG, District Judge:

This Matter comes before the Court on the Defendants' Motion to Dismiss for failure to exhaust administrative remedies and on Plaintiffs' Motions for class certification; and

The Court having reviewed the briefs and heard oral argument and for the reasons stated in the Opinion accompanying this Order,

IT IS on this 5th day of August 2004,

ORDERED that the above-captioned matters are consolidated for trial; and it is further
ORDERED that the Defendants' Motion to Dismiss is **DENIED**; and it is further
ORDERED that the Plaintiffs' Motion for Class Certification is **GRANTED** for the
classes defined in the Opinion accompanying this Order; and it is further

ORDERED that the Plaintiffs provide the Court with a plan for notification of the class
members, pursuant to Fed. R. Civ. P. 23(c) by September 3, 2004; and it is further

ORDERED that the Parties are to comply with the Case Management Order also issued
on this date.

/s/ Faith S. Hochberg
Hon. Faith S. Hochberg, U.S.D.J.